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August 8, 2007

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Application No.	:	**2,508,480**
Owner	:	MACALUSO, ANTHONY G.
Title	:	**ADVERTISING ON MOBILE DEVICES**
Classification	:	H04L 12/16 (2006.01)
Your File No.	:	**198-373**
Examiner	:	Donald Lefebvre

YOU ARE HEREBY NOTIFIED OF :

- A REQUISITION BY THE EXAMINER IN ACCORDANCE WITH SUBSECTION 30(2) OF THE *PATENT RULES*;
- A REQUISITION BY THE EXAMINER IN ACCORDANCE WITH SECTION 29 OF THE *PATENT RULES*.

IN ORDER TO AVOID **MULTIPLE ABANDONMENTS** UNDER PARAGRAPH 73(1)(A) OF THE *PATENT ACT*, A WRITTEN REPLY **TO EACH REQUISITION** MUST BE RECEIVED WITHIN **SIX MONTHS** AFTER THE ABOVE DATE.

This application has been examined taking into account the:

Description, pages 1 - 20, as originally filed;

Claims, 1 - 39, as originally filed; and

Drawings, pages 1/8 - 8/8, as originally filed.

The number of claims in this application is 39.

Search results and synopsis of the prior art

References applied

United States applications			
D1 = 2003/0096625 ¤	**22 May 2003**	**H04H-01/00**	**LEE et al.**
D2 = 2003/0050837 ¤	**13 Mar 2003**	**G06F-17/60**	**KIM**

Reference of interest

United States application			
2002/0004855 ¤	10-Jan-2002	G06F-09/00	COX et al.

¤ citation stemming from a foreign search report

D1 discloses an advertisement method in a mobile communications network, and a mobile terminal suitable for the advertisement method. An advertisement system pushes advertisement image data, without any user involvement, to the mobile terminal of the user who subscribed to receiving the advertisement, so that the advertisement image data is stored in the mobile terminal and an advertisement image corresponding to the data is displayed when a predetermined event happens in the terminal. Examples of the events include entry to a standby state, wireless internet access trial, transmission of a short message, receiving a call, completion of the wireless internet connection, and turning on/off of the terminal. When receiving a short message of a certain format, the mobile terminal is automatically connected to the advertisement system to receive and store the advertisement image data. [Abstract, Paragraphs 0010-0012, Figures 1-4 and 7]

D1 discloses a wireless communications terminal having a displaying unit, and a nonvolatile memory for storing data. A method for displaying an advertisement image comprising the steps of: (a) receiving advertisement image data from a predetermined server; (b) storing the advertisement image data in the nonvolatile memory; and (c) when a predetermined event occurs in the terminal, reading out the advertisement image data from the nonvolatile memory and displaying an advertisement image corresponding to the advertisement image data on the displaying unit. [Claim 1]

D1 discloses a wireless communications terminal which automatically receives advertisement image data from an external advertisement server, stores the advertisement image data in its

memory, and displays the advertisement image corresponding to the advertisement image data at a predetermined timing. [Paragraph 0014]

D2 discloses a method and system for providing an advertisement using a tone of ringing sounds of a mobile phone terminal. An advertisement is output instead of an incoming call ring sound which rings when a user of the mobile phone terminal receives the call, or for a predetermined time from start of an outgoing call which is achieved by pressing a telephone number of a called party and a SEND button for making a phone call to reception of a response signal of the called party. An advertisement is downloaded in the mobile phone terminal and the downloaded advertisement is watched instead of an incoming call sound or until a call is accomplished after a phone call has been transmitted. [Abstract]

D2 discloses a method for providing an advertisement using a tone of ringing sounds of a mobile phone terminal, the method comprising the steps of: (a) accessing an advertisement service provider, downloading an advertisement and storing the downloaded advertisement; (b) outputting the advertisement stored in step (a) as a phone call reception ringing tone and outputting the advertisement stored in step (a) as a phone call transmission ringing tone for a predetermined time to make a caller and a receiver listen to or watch the advertisement; (c) interrupting the advertisement which is output in step (b) if a phone call is connected between the caller and the receiver. [Paragraph 0008]

Obviousness

Claim 1 defines a method for advertising on a mobile device, the method comprising: (1) storing an advertisement on a mobile device; (2) initiating a wireless communication involving the mobile device; and (3) presenting the advertisement on the mobile device during at least a portion of the wireless communication.

Claims 2-16 add limiting features or design options to the above claim.

Claim 17 defines an article comprising a machine-readable medium storing instructions for causing one or more processors to perform operations comprising: (1) receiving an indication of a wireless data communication involving a mobile device; (2) presenting an advertisement on the mobile device during the wireless data communication.

Claims 18-25 add limiting features or design options to the above claim.

Claim 26 defines a communications system comprising: (1) a wireless telecommunications network operable to support communications with mobile devices; (2) a central advertising server in communication with the wireless telecommunication network and adapted to store advertisements for presentation on mobile devices during wireless data communications that cause a delay 'on the mobile devices, wherein the central advertising server is further adapted to: (a) receive a request for a new advertisement from an advertising application on a mobile device; (b) determine whether at least one new advertisement is available; and (c) transmit a selected new advertisement to the mobile device if at least one new advertisement is available.

Claims 27-33 add limiting features or design options to the above claim.

Claim 34 defines a method of advertising on a mobile device, the method comprising: (1) storing one or more advertisements on a mobile device; (2) initiating a wireless communication session involving the mobile device; and (3) presenting one or more of the advertisements on the mobile device during a period of delay in the wireless communication session.

Claims 35-39 add limiting features or design options to the above claim.

The combined teachings of D1 and D2 describe a wireless communications terminal having a displaying unit, and a nonvolatile memory for storing data. A method for displaying an advertisement image comprising the steps of: (a) receiving advertisement image data from a predetermined external advertisement server; (b) storing the advertisement image data in the nonvolatile memory (*storing an advertisement on a mobile device*); and (c) when a predetermined event occurs in the terminal (*initiating a wireless communication involving the mobile device*), reading out the advertisement image data from the nonvolatile memory and displaying an advertisement image corresponding to the advertisement image data on the displaying unit (*presenting the advertisement on the mobile device*). The events including: entry to a standby state, wireless internet access trial, transmission of a short message, receiving a call, completion of the wireless internet connection, and turning on/off of the terminal. As described by D2, an advertisement is output for a predetermined time from start of an outgoing call. The advertisement is downloaded in the mobile phone terminal and the downloaded advertisement is watched until a call is accomplished after a phone call has been transmitted (*presenting the advertisement on the mobile device during at least a portion of the wireless communication*).

Although D1 discloses the use of an advertisement system that pushes advertisement to a mobile terminal of a user who subscribed to receiving the advertisement; and D2 discloses the

use of a predetermined time from start of an outgoing call which is achieved by pressing a telephone number of a called party and a SEND button for making a phone call to reception of a response signal of the called party, one skilled in the art would be able to modify D1 or D2 without difficulty to implement a method for advertising on a mobile device and a communications system comprising: (1) a wireless telecommunications network operable to support communications with mobile devices; (2) a central advertising server in communication with the wireless telecommunication network.

Claims 1, 17, 26 and 34 are obvious with respect to D1 and D2, in view of the common general knowledge.

Claims 2-16, 18-25, 27-33 and 35-39 depend on one of the above claims, and fail to overcome the objections to those claims.

The subject matter of claims 1-39 is obvious with respect to D1 and D2, in view of the common general knowledge. Therefore none of the claims on file comply with Section 28.3 of the *Patent Act*.

Non-prior art deficiencies

The examiner has identified the following defects in the application:

Claims

Claim 17 does not comply with section 84 of the *Patent Rules* in that there is a broad statement at the point of invention. The statement is so broad that it embraces all possible means without qualification for solving the problem facing the inventor, and is in fact no more than a restatement of the problem or desired result. The statement "storing instructions for causing one or more processors to perform operations comprising: (1) receiving an indication of a wireless data communication involving a mobile device; and (2) presenting an advertisement on the mobile device during the wireless data communication", is too broad, as there is no clear indication as to who and where the instructions are being performed. It is necessary and essential to identify if the "central advertising server" or "the mobile device" are the components that are storing the instructions.

In view of the foregoing defects, the applicant is requisitioned, under subsection 30(2) of the *Patent Rules*, to amend the application in order to comply with the *Patent Act* and the *Patent Rules* or to provide arguments as to why the application does comply.

Section 29 of the Patent Rules requisition

Under section 29 of the *Patent Rules*, the applicant is requisitioned to provide:

- identification of any prior art cited in respect of the United States Patent and Trademark Office, and European Patent Office applications describing the same invention on behalf of the applicant or on behalf of any other person claiming under an inventor named in the present application, and the patent numbers, if granted, subsequent to the International Search Report under paragraph 29(1)(*a*) of the *Patent Rules*.

To satisfy this requisition, applicant should provide all the preceding information or documents, or provide in accordance with subsection 29(3) of the *Patent Rules* a statement of reasons why any information or document is not available or known.

Donald Lefebvre
Patent Examiner
819-997-2822